

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION
and is not binding precedent of the Board

Filed by: Trial Section Merits Panel
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
Fax: 703-305-0942

Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

APR 26 2002

DOUGLAS B. WOOD,

Junior Party,
(Application 08/643,389),

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

v.

RINALDO MEZZALIRA,

Senior Party,
(Patent 5,477,888).

Patent Interference No. 104,564

Before SCHAFER, SPIEGEL and MEDLEY, Administrative Patent Judges.
MEDLEY, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

On April 19, 2002, the Board received a paper entitled
"WOOD'S CONCESSION OF PRIORITY" (Paper 35), in which Wood
concedes priority as to the count of the pending interference.
Wood's concession of priority is treated as a request for entry

of an adverse judgment against it as to all claims which correspond to count 1, the sole count in the interference. 37 CFR § 1,662(a).

Upon consideration of Wood's concession of priority, it is ORDERED that judgment on priority as to Count 1 (Paper 1 at 5) is awarded against junior party DOUGLAS B. WOOD.

FURTHER ORDERED that junior party DOUGLAS B. WOOD is not entitled to a patent containing claims 3-7 (corresponding to Count 1) of application 08/643,389, filed 6 May 1996.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 08/643,389 and U.S. Patent 5,477,888.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.


RICHARD E. SCHAFER
Administrative Patent Judge)


CAROL A. SPIEGEL
Administrative Patent Judge)


SALLY C. MEDLEY
Administrative Patent Judge)

BOARD OF PATENT
APPEALS AND
INTERFERENCES

cc (via facsimile and federal express):

Attorney for Wood:

Nancy T. Krawczyk, Esq.
The Goodyear Tire & Rubber Company
1144 East Market Street
Akron, Ohio 44316-0001

Fax: (330)796-9018

Attorney for Mezzalira:

Daniel O'Byrne
Via di Citille, 85
50022 Greve (FI) ITALY (EUROPE)

Fax: (011) (39) (055) 854-4289